

IN THE UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF IOWA  
CENTRAL DIVISION

**MATTHEW and JONNA AUDINO and  
DANIEL OGLES JR., individually and  
on behalf of all others similarly situated,**

Plaintiffs,

v.

Case No. 4:16-cv-00631-SMR-HCA

**JPMORGAN CHASE BANK, N.A.**

Defendant.

**PLAINTIFFS' MOTION FOR PRELIMINARY APPROVAL  
OF CLASS SETTLEMENT**

Plaintiffs Matthew and Jonna Audino and Daniel Ogles Jr., on behalf of a class of similarly situated individuals, move the Court under Fed. R. Civ. P. 23(e) to preliminarily approve a settlement of this case on behalf of a settlement class of plaintiffs defined as:

All persons who had an FHA-Insured Loan for which (i) the FHA-Insured Loan was closed before January 21, 2015; (ii) Chase or its predecessor was the mortgagee or servicer as of the date the total amount due on the FHA-Insured Loan was brought to zero; (iii) Chase collected Post-Payment Interest on the FHA-Insured Loan during the applicable Limitations Period; and (iv) the total amount due on the FHA-Insured Loan was brought to zero on or after July 5, 2009, and on or before March 30, 2018.

Excluded from the Class are Chase, all officers, directors, and employees of Chase, and their legal representatives, heirs, or assigns, and any Judges to whom the Action is assigned, their staffs, and their immediate families.

Plaintiffs request that the Court enter an order in the form proposed as Exhibit 1:

- Provisionally certifying a class solely for the purpose of settlement and appointing the Plaintiffs as Class Representatives and their counsel as Class Counsel;
- Preliminarily approving the Settlement;
- Approving the agreed notice forms to notify Class Members of the Settlement;
- Setting deadlines for opting out, objecting, and filing attorneys' fee, expense, and class representative service award applications; and
- Scheduling a final approval hearing.

The Settlement provides for Chase to pay a total of \$11.22 million into a common fund, which will be allocated among class members without requiring class members to make a claim, and which will be used to pay all fees and costs associated with providing notice and administering the Settlement. Class members will obtain their cash settlement payments following final approval, without the continued risk of litigation and possible appeals.

WHEREFORE, for the reasons set out in the accompanying memorandum in support of this Motion, Plaintiffs request the Court preliminarily approve the Settlement as fair, reasonable, and adequate, and for such further relief as the Court deems equitable and just.

Dated: June 15, 2018

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Respectfully submitted,

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